

1986

c Pr30 City of Windsor (Windsor-Detroit Tunnel) Act, 1986

Ontario

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CHAPTER Pr30

An Act respecting the City of Windsor and the Windsor-Detroit Tunnel

Assented to November 27th, 1986

Whereas The Corporation of the City of Windsor hereby represents that it seeks special legislation in relation to the Windsor-Detroit Tunnel; that the portion of the Tunnel situated in Canada was constructed by The Detroit and Windsor Subway Company which was incorporated by an Act of the Parliament of Canada in 1927, being chapter 83 of the Statutes of Canada for that year; that the said Act authorized the Company to construct and operate the said portion of the Tunnel; that section 17 of the said Act provided as follows:

Preamble

The Company shall not construct or operate any of the works mentioned in this Act along, under and over any highway, street or other public place, without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over such highway, street or other public place, and upon terms to be agreed upon with such municipality;

that by by-law 3780, passed on the 4th day of August, 1927, the City consented to the construction of the Tunnel; that the said consent was subject to the Company entering into an agreement with the City; that the agreement was executed by the City and the Company and is dated the 24th day of April, 1928; that among other things the agreement gave the City the option to acquire, without any payment, the land, buildings and equipment of the Company; this option is to be exercised at the end of sixty years from the formal opening of the Tunnel; that the formal opening of the Tunnel was the 3rd day of November, 1930; that the by-law and the agreement were ratified, confirmed and declared to be valid and binding on the City, the ratepayers of the City and the Company by section 6 of *The City of Windsor Act, 1933*, being chapter 110 of the Statutes of Ontario, 1933; that by section 26 of *An Act respecting The Detroit and Windsor Subway Tunnel Company*, being chapter 55 of the Statutes of Canada, 1953, the Parlia-

ment of Canada also ratified the agreement; that the City seeks special legislation that clearly states that it may acquire and own the portion of the Tunnel situated in Canada and any related property and authorizing the City, or a commission established by it, to maintain, operate and manage the said part of the Tunnel and to provide for certain other matters in relation thereto, as set out in section 2; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Definitions

1. In this Act,

“City” means The Corporation of the City of Windsor;

“Company” means The Detroit and Windsor Subway Company;

“council” means the council of the City;

“related property” means the property of the Company and its successors and assigns used for the purpose of the Tunnel, excluding cash, accounts receivable, shares of stock, bonds, notes and other evidences of indebtedness;

“Tunnel” means the motor vehicle tunnel constructed by the Company that connects the city of Detroit in the State of Michigan, in the United States of America, and the City and includes any facilities established in Canada under paragraph 10 of the agreement referred to in the Preamble for the interchange of passengers with any municipal transportation system of the City of Windsor.

By-laws

2. The council may pass by-laws,

- (a) for acquiring, owning, maintaining, operating and managing the portion of the Tunnel situated in Canada and any related property;
- (b) for establishing a commission to maintain, operate and manage the portion of the Tunnel situated in Canada and any related property and for delegating to the commission any or all of the City's power under clauses (a) and (c) in relation to the maintenance, operation and management thereof;
- (c) for entering agreements with one or more persons in relation to the maintenance, operation and man-

agement of the portion of the Tunnel situated in Canada and any related property and such agreement may be subject to such terms and conditions as the council may approve;

- (d) for selling, leasing or otherwise disposing of the City's interest in the Tunnel and in any related property; and
- (e) for doing all things necessary or incidental to the matters provided for in clauses (a) to (d).

3. The following provisions apply if a commission is established under clause 2 (b): Commission

1. The commission is a local board of the City and is a body corporate and shall consist of such number of members as the council may determine.
2. A person is disqualified from being a member of the commission unless the person is qualified to be elected as a member of the council.
3. Members shall hold office until the expiration of the term of the council that appointed them and until their successors are appointed and are eligible for reappointment.
4. Upon the coming into force of the by-law establishing the commission, all the powers, rights, authorities and privileges conferred and the duties imposed on the council by clauses 2 (a) and (c) shall be exercised by the commission, but subject to such limitations as the by-law may provide.
5. The commission may do all things necessary or incidental to the matters provided for in paragraph 4.
6. The commission shall submit to the council its estimates for the current year at the time and in the form prescribed by the council and make requisitions upon the council for all sums of money required to carry out its powers and duties, but nothing herein divests the council of its authority with reference to providing the money for the purposes of the commission and, when money is so provided by the council, the City treasurer shall, upon the certificate of the commission, pay out such money to the commission.

7. On or before the 1st day of March in each year, the commission shall submit its annual report for the preceding year to the council including a complete audited and certified financial statement of its affairs, with balance sheet and revenue and expenditure statement.
8. The City auditor shall be the auditor of the commission and all books, documents, transactions, minutes and accounts of the local board shall, at all times, be open to the auditor's inspection.
9. The power, right, authority and privilege of the council to raise money by the issue of debentures or otherwise for the acquisition of lands or construction of buildings shall not be transferred to the commission.
10. Upon the repeal of the by-law establishing the commission, the commission ceases to exist and its undertaking, documents, assets and liabilities shall be assumed by the City.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the *City of Windsor (Windsor-Detroit Tunnel) Act, 1986*.